IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE fifTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20147 of 1999

Between:

1.M.Rama Krishna s/o Tataiah, aged about 60 yrs., Occ;Business,

2.Smt. M.R.S.M.Lakshmi w/o M.Rama Krishna, aged about 55 years, Occ: Business.

3. T.V.L.Ranganayakamma w/o T.Prasad, aged about 27 yrs.

Occ: Business.

4. M.V.S.N.Seshagiri Rao, s/o Rama Krishna aged about 28 years,

Occ: Business.

(All are Bus owners and residents of Vijayawada, Krishna Disrict.

..... PETITIONERS

AND

1. Govt. of A.P., rep.by its Secretary, Transport, Roads & buildings Department,

Secretariat, Hyderabad.

2. Regional Transport Authority, Krishna District at Vijayawada, rep. By its

Secretary.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, or orders or direction, preferably one in the nature of a writ

of Mandamus, declaring the resolution of the 2nd respondent in Item No.15 (Circulation) dated 22.08.1997 revising the existing compounding fee fixed under Rule 217 of A.P.M.V. Rules, 1989, issued by the 1st respondent under Sections 95 and 96 of M.V.Act, 1988, in lieu of cancellation or suspension of permits under Sec. 86 of M.V.Act, 1988 in respect of different types of irregularities committed within 24 months as illegal,arbitrary, without jurisdiction and contrary to the provisions of M.V.Act 1988 and Rules made threunder.

For the Petitioner: MR.B.SIVA RAMA KRISHNAIAH, Advocate

For the Respondents: Govt. Pleader for TRANSPORT

The Court made the following:

Oral Order:

The resolution impugned in the present writ petition is the subject matter of challenge in W.P.No.1786 of 1999 which was disposed of along with W.P.Nos.20903 of 1997 and batch by this Court on 29-11-2002 holding that the impugned resolutions are totally without any power, authority and jurisdiction and are liable to be set aside and accordingly set aside.

Following the same and the reasons mentioned therein, this writ petition is allowed and the impugned resolution is accordingly set aside. No costs.

_____ A.GOPAL REDDY, J.

05-07-2004

Murthy

The Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, The Chief Justice on this Monday the Fifth day of July, Two thousand and four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Secretary, Transport, Roads & Buildings Department, Govt. of A.P.,

Secretariat, Hyderabad.

2. Secretary, Regional Transport Authority, Krishna District at Vijayawada.

3. Two 2CCs to the Govt. Pleader for Transport, High Court Buildings, Hyd.(out)

4. Two CD copies.